

S.B.CRIMINAL MISC. BAIL APPLICATION NO.3575/2006

Date : 28.08.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. P.C. Solanki for the applicants.

Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The allegation against the accused applicants is that they are responsible for theft of electricity and also for causing beatings to the officials of the Electricity Department.

The contention of learned counsel for the applicants is that in this case allegations of two offences against the applicants are bailable and one offence under Section 379 IPC is not made out. He submits that under provisions of the Electricity Act as such cognizance cannot be taken.

On the other hand, learned Public Prosecutor has opposed the bail application.

Taking into consideration the overall facts and circumstances of the present case, I do not find it to be a fit case to extend benefit of anticipatory bail to the applicant. Accordingly, the bail application moved by the applicant under Section 438 Cr.P.C. is rejected.

(SATYA PRAKASH PATHAK), J.